

### **REMARKS**

Claims 1 and 5-10 were pending prior to this submission. Of the foregoing, claims 5-8 have been withdrawn from further consideration pursuant to 37 C.F.R. §1.124(b). By this response, Applicants have amended claim 1 and cancelled claims 9 and 10. No new matter has been added.

Entry of the foregoing amendments and reconsideration of the above-identified application are respectfully requested in view of the following remarks.

#### **Rejections Under 35 U.S.C. §102:**

Claims 1, 9, and 10 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,727,551 to Takagi (hereafter "Takagi").

In the interest of expediting prosecution of this application, Applicants have chosen to amend claim 1 to better define and further clarify the features of the claimed subject matter. In particular, claim 1 has been amended to further clarify the functions of the "image capture means" and "CPU" features. Support for the amendatory language can be found through the specification, drawings and claims, as originally filed. In particular, details for the "image capture means" feature are disclosed on page 12, line 14 to page 13, line 2 and FIG. 4; details regarding the functions of the "CPU" feature are disclosed on page 14, line 18 through page 16, line 20.

In accordance with at least one embodiment of the present invention, amended claim 1 is directed to a non-contact tonometer comprising, *inter alia*, a CPU for predicting the maximum output value of an output signal which is output from the intraocular pressure measurement light receiving means *on the basis of an intensity of the image*, at a time of completing the alignment, *sensed by the image capture means*. In a case that an output value of the output signal from the intraocular pressure light receiving means exceeds the predicted maximum output value, the CPU executes error processing. Because the output signal from the intraocular measurement light receiving means is based on the intensity of the image, characteristics of the cornea such as hardness can be advantageously known on the basis of the

intensity of the light reflected from the cornea under the condition that the alignment has been completed.

The Takagi reference discloses a non-contact tonometer measures an intraocular pressure precisely based on a deformation amount of a cornea when a pressurized pulse of air is injected to the cornea. The intraocular pressure is measured on the basis of the maximum value of a correlation function curve, **instead of detecting a peak of a light changing curve.** (Abstract). A memory 83 stores a standard curve F (see FIG. 5) showing an ideal light changing curve of the receiving sensor 54 on the basis of the deformation of the cornea C. (C6, L19-22). The arithmetic control circuit 87 includes the memory 81 which stores the value of the light received by the receiving sensor 54. The intensity of the reflected light of the receiving sensor 54 is shown as the light changing curve R (see FIG. 6) in accordance with the amount of deformation of the cornea C caused by the injected air pulse. The memory 81 stores a receiving signal value indicative of the light changing curve R. (C7, L38-50).

The arithmetic control unit 87 obtains the light changing curve R (see FIG. 6) on the basis of the data stored in the memory 83, then it obtains a cross correlation function *on the basis of a comparison between the calculated light changing curve R and the standard curve F* stored in the memory 83. (C6, L32-39). After injecting of the air pulse, the arithmetic control circuit 87 obtains the value  $S(\Delta t)$ , on the basis of the standard curve F stored in the memory 81 and the light changing curve R. Then, the arithmetic control circuit 87 obtains the correlation function curve W as shown FIG. 6 on the basis of the value  $S(\Delta t)$ , and obtains the maximum value M of the correlation function curve W. Thus, it is possible to obtain the maximum M of the correlation function curve W after performing an interpolation to the correlation function curve W. As a result, it is possible to measure the intraocular pressure accurately, because the intraocular pressure is measured on the basis of the maximum value M of the correlation function curve S, instead of detecting a peak of the light changing curve R. (C8, L24-28).

Applicants respectfully assert that Takagi does not disclose or suggest “predicting the maximum output value of *an output signal which is output from the intraocular pressure measurement light receiving means on the basis of an intensity of the image sensed by the image capture means*,” as recited in amended claim 1. Instead, Takagi discloses the intraocular pressure

is measured on the basis of the maximum value M of the correlation function, **instead of detecting a peak of the light changing curve R.**

In addition, Applicants assert that Takagi does not disclose or suggest “executing an error processing in a case that an output value of the output signal from the intraocular pressure light receiving means exceeds the predicted maximum output value.” Takagi merely discloses a tonometer that executes alignment on the basis of a correlation function of an ideal light changing curve F of the receiving sensor 54 and a *calculated* light changing curve R. That is to say, the reflected alignment light as used in the Takagi reference is solely used to detect an alignment condition of the eye to be examined. See, e.g., Takagi, column 4, lines 29-67; and column 5, lines 1-54.

In view of the above, Applicants respectfully submit that amended claim 1 is patentably distinguishable over Takagi. Because claims 9 and 10 have been cancelled the corresponding rejections of these claims are moot.

### CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

### AUTHORIZATION

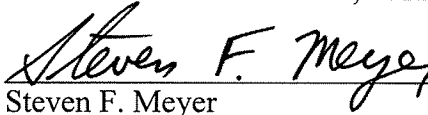
The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 1232-5178. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 1232-5178. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,  
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Dated: September 29, 2008

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